

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

NATERA, INC.,

Plaintiff,

v.

NEOGENOMICS LABORATORIES,
INC.,

Defendant.

C.A. No. 1:23-cv-629

**[PROPOSED] ORDER GRANTING PLAINTIFF NATERA, INC.’S
MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Natera, Inc. (“Natera”) moves for a Preliminary Injunction Order. In consideration of the entire record, Natera has demonstrated that it is likely to succeed on the merits of its patent infringement allegations against Defendant NeoGenomics Laboratories, Inc. (“NeoGenomics”). NeoGenomics has not presented a substantial question of the validity of the asserted patent claims. In addition, Natera has demonstrated that it is substantially likely to suffer irreparable harm from NeoGenomics’ ongoing infringement and that the balance of equities and the public interest favor protecting Natera and granting a preliminary injunction. Natera’s Motion for a Preliminary Injunction is therefore GRANTED.

Accordingly, IT IS HEREBY ORDERED:

NeoGenomics and its privies, subsidiaries, affiliates, officers, agents, servants, employees, attorneys, and those acting or attempting to act in concert in concert or

participation with them, are enjoined from (1) making, using, selling, offering for sale in the United States the (a) the accused RaDaR assay (“the Accused Assay”), or (b) any assay or product not more than colorably different from the Accused Assay whose manufacture, use, importation, offer for sale, or sale would infringe any asserted claim of U.S. Patent Nos. 11,530,454 or 11,519,035; and (2) promoting, advertising, marketing, servicing, distributing, or supplying the above Accused Assay so as to induce others’ infringement. Notwithstanding the foregoing, NeoGenomics may continue to make, use and sell the Accused Assay solely for continued use of the Accused Assay, if necessary, for those patients already using it prior to the entry of this injunction. Within ten days of the issuance of this Preliminary Injunction, NeoGenomics shall file with the Court under seal and serve on all parties a notice identifying all additional uses of the Accused Assay that must necessarily be performed for the identified patients using the Accused Assay as of the effective date of this injunction. Natera shall have the right to challenge NeoGenomics’ identifications.

NeoGenomics shall, within ten days from the date of issuance of this Preliminary Injunction, provide notice and a copy of this Preliminary Injunction to (1) each of its privies, subsidiaries, affiliates, officers, agents, servants, employees, and attorneys; (2) all past and current users of the Accused Assay, and/or any assay or product not more than colorably different from the Accused Assay that would infringe any asserted claim of U.S. Patent Nos. 11,530,454 or 11,519,035 in the United States; and (3) any other person or entity acting or attempting to act in concert or participation with NeoGenomics with respect

to any of the enjoined activities, such that above persons and entities are duly noticed and bound by this Order under Federal Rule of Civil Procedure 65(d)(2). NeoGenomics shall further provide proof of each such notice to this Court by filing it within fourteen days from the date of issuance of this Preliminary Injunction.

DATED: _____, 2023

UNITED STATES DISTRICT JUDGE